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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

MICHAEL ERWINE,

Plaintiff,

vs.

CHURCHILL COUNTY, a political
subdivision of the State of Nevada,
CHURCHILL COUNTY SHERIFF BENJAM
TROTTER, and DOES
1 through 10 inclusive;

Defendants.
_____ /

Case No.: 3:18-cv-00461-RCJ CSD

**MOTION TO FILE EXHIBIT TO
OPPOSITION TO MOTION FOR
SUMMARY JUDGMENT
UNDER SEAL**

COMES NOW, Plaintiff, MICHAEL ERWINE, by and through the undersigned counsel, and hereby files the following Motion for Leave to File Exhibit to Opposition to Motion for Summary Judgment, dated March 4, 2021, confidentially under seal.

MEMORANDUM OF POINTS AND AUTHORITIES

The Plaintiff seeks to file an exhibit to the Plaintiff's Opposition to Motion for Summary Judgment in the instant case under seal to protect the Plaintiff's background investigation information by not having the information placed in the public record. Specifically, the Plaintiff seeks to file Confidential Exhibit 9 under seal,

1 because Exhibit 9 contains information obtained in the course of LVMPD's
2 background investigation of the Plaintiff, which are confidential by law under the
3 provisions of NRS 239B.020. The records in Confidential Exhibit 9 were designated
4 as confidential by the LVMPD as a condition of disclosure in accordance with the
5 Court's Stipulated Protective Order (Doc. #87).

6 Revelation of the Plaintiff's background investigation records involved in this
7 matter is unnecessary to preserve the public's interest in inspecting and copying
8 public records and documents, including judicial records and documents.

9 *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). The
10 Defendant will not be prejudiced by this under seal filing as a copy of these
11 documents will be sent to their counsel.

12 Based on the foregoing arguments, it is respectfully requested the Court grant
13 the instant Motion.

14
15 **DATED** this Mar 4, 2022

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17 By: /s/ Luke Busby, Esq.
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21 Reno, Nevada 89509
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24 *Attorneys for the Plaintiff*
25
26
27
28

EXHIBITS

9. CONFIDENTIAL PARTS OF MR. ERWINE'S BACKGROUND CHECK
FROM LVMPD

CERTIFICATE OF SERVICE

I certify that on the date shown below, I caused service to be completed of a true and correct copy of the foregoing document by:

_____ personally delivering;

_____ delivery via Reno/Carson Messenger Service;

_____ sending via Federal Express (or other overnight delivery service);

_____ depositing for mailing in the U.S. mail, with sufficient postage affixed thereto;

or,

 X delivery via electronic means (fax, eflex, NEF, etc.) to:

Katherine F. Parks, Esq.
Thorndal Armstrong
6590 S. McCarran Blvd. Suite B.
Reno, NV 89509
Attorney for the Defendant

DATED this Mar 4, 2022

By: /s/ Luke Busby, Esq.